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Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

SANYO ELECTRIC CO., LTD.,
Defendant.

CR 13

472

INFORMATION

VIOLATION:

Title 15, United States Code,
Section 1 (Price Fixing)

San Francisco Venue

JST

The United States of America, acting through its attorneys, charges:

I.

DESCRIPTION OF THE OFFENSE

1. SANYO Electric Co., Ltd. ("defendant") is made a defendant on the charge stated below:

2. From about April 2007 until about September 2008, the defendant and its co-conspirators entered into and engaged in a combination and conspiracy in the United States and elsewhere to suppress and eliminate competition by fixing the prices of cylindrical lithium ion battery cells sold in the United States and elsewhere for use in notebook computer battery packs. The combination and conspiracy engaged in by the defendant and its co-conspirators

1 was an unreasonable restraint of interstate and foreign trade and commerce in violation of
2 Section 1 of the Sherman Act (15 U.S.C. § 1). The defendant knowingly joined and
3 participated in the charged conspiracy from about April 2007 until about September 2008.

4 3. The charged combination and conspiracy consisted of a continuing agreement,
5 understanding, and concert of action among the defendant and its co-conspirators, the
6 substantial terms of which were to agree to fix the prices of cylindrical lithium ion battery
7 cells used in notebook computer battery packs.

8 4. For the purpose of forming and carrying out the charged combination and
9 conspiracy, the defendant and its co-conspirators did those things that they combined and
10 conspired to do, including, among other things:

- 11 (a) participating in meetings, conversations, and communications in Korea,
12 Japan, and elsewhere to discuss the prices of cylindrical lithium ion
13 battery cells for use in notebook computer battery packs;
- 14 (b) agreeing, during those meetings, conversations, and communications, to
15 charge prices of cylindrical lithium ion battery cells for use in notebook
16 computer battery packs at certain predetermined levels;
- 17 (c) issuing price quotations in accordance with the agreements reached;
- 18 (d) collecting and exchanging information on prices and sales of cylindrical
19 lithium ion battery cells for the purpose of monitoring and enforcing
20 adherence to the agreed-upon prices;
- 21 (e) authorizing, ordering, and consenting to the participation of subordinate
22 employees in the conspiracy; and
- 23 (f) taking steps to conceal the conspiracy and conspiratorial contacts,
24 conversations, and communications through various means.

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II.

DEFENDANTS AND CO-CONSPIRATORS

5. SANYO Electric Co., Ltd. is a corporation organized and existing under the laws of Japan. During the time period covered by this Information, the defendant engaged in the business of manufacturing and selling cylindrical lithium ion battery cells and battery packs containing multiple cylindrical cells for use in electronic devices.

6. Various corporations and individuals, not made defendants in this Information, participated as co-conspirators in the offense charged in this Information and performed acts and made statements in furtherance of it.

7. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

III.

TRADE AND COMMERCE

8. Cylindrical lithium ion battery cells are rechargeable batteries that, functioning alone or incorporated in groups into more powerful battery packs, are commonly used to power various electronic devices.

9. During the period covered by this Information, the defendant and its co-conspirators manufactured and sold cylindrical lithium ion battery cells and packs in a continuous and uninterrupted flow of interstate and foreign trade and commerce to customers located in states or countries other than and in addition to the states or countries in which cylindrical lithium ion battery cells were produced.

10. During the period covered by this Information, the business activities of the defendant and co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and commerce.

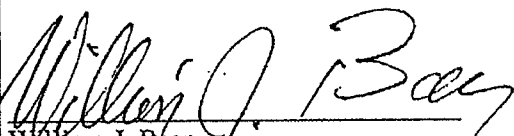
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IV.

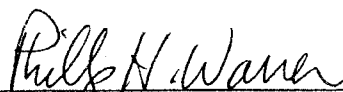
JURISDICTION AND VENUE

11. The combination and conspiracy charged in this Information was carried out, in part, in the Northern District of California.

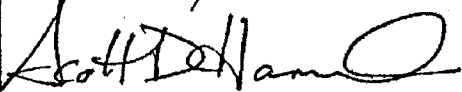
ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.



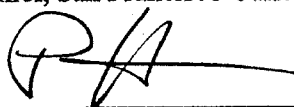
William J. Baer
Assistant Attorney General



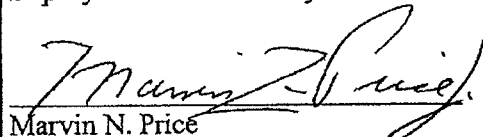
Phillip H. Warren
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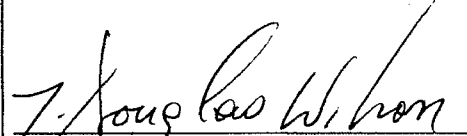


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